

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

AUGUSTIN PRUNEDA, III, Individually
and On Behalf of All Others Similarly
Situating, et al.,

Plaintiffs,

v.

Case No. SA-22-CV-0104-JKP

BEXAR COUNTY, TEXAS,

Defendant.

**ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Before the Court is a Report and Recommendation (“R&R”) of United States Magistrate Judge filed on July 29, 2024. ECF No. 67. Magistrate Judge Henry J. Bemporad recommends that the Court (1) grant in part and deny in part Defendant Bexar County’s Opposed Motion for Leave to File Second Amended Answer (ECF No. 56) and (2) moot in part and deny without prejudice in part Plaintiffs’ Motion for Partial Judgment on the Pleadings or, Alternatively, for Partial Summary Judgment as to Liability (ECF No. 38). Defendant has filed partial objections (ECF No. 69) to the R&R, objecting only “to the portion disallowing it from asserting any exemption defense to Plaintiffs’ claims under the Fair Labor Standards Act. Plaintiffs have responded to the objections and urge the Court to overrule them. See ECF No. 70.


The District Court has reviewed *de novo* those portions of the recommendation to which objection were made and reviewed the remaining portions for plain error. Finding no error, the Court **ACCEPTS** the Report and Recommendation of the United States Magistrate Judge and **OVERRULES** the partial objection of Defendant.

As recommended, the Court **GRANTS IN PART AND DENIES IN PART** Defendant

Bexar County's Opposed Motion for Leave to File Second Amended Answer (ECF No. 56). As succinctly set out in the recommendation: Leave is **GRANTED** for Defendant to answer Plaintiffs' claims; to raise the general affirmative defenses of good faith and limitations to the extent noted in the recommendation; and to raise the specific defenses of set-off, limitations, and release discussed in the recommendation. Leave is **DENIED** as to the Defendant's proposed exemption defenses and the other defenses it seeks to raise. Because the Court has granted Defendant this limited leave to file an amended answer, **the Clerk of Court shall file the proposed answer attached as Exhibit 1 (ECF No. 56-1) to the motion (ECF No. 56)**, but the matters set forth in that filed answer are hereby expressly limited to the matters permitted by the accepted report and recommendation.

Further, as recommended, the Court **MOOTS IN PART AND DENIES WITHOUT PREJUDICE IN PART** Plaintiffs' Motion for Partial Judgment on the Pleadings or, Alternatively, for Partial Summary Judgment as to Liability (ECF No. 38). The motion is deemed **MOOT** with regard to the matters on which leave to amend was denied; and as to the remaining matters, the motion is **DENIED WITHOUT PREJUDICE** to Plaintiffs seeking judgment as a matter of law at trial under Fed. R. Civ. P. 50.

It is so ORDERED this 23rd day of August 2024.


JASON PULLIAM
UNITED STATES DISTRICT JUDGE